

REMARKS

Reconsideration and allowance are respectfully requested. A Request for Continued Examination and the appropriate fee accompany this Amendment.

Claims 1, 12, 18 and 29 have been amended. Claims 1-34 remain pending.

Claims 1, 2, 5, 9-13, 15, 18-19, 22, 26-29, 31 and 34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. The independent claims have been amended to define the invention more clearly and thus, obviate the rejection. In particular, the independent claims as amended generally recite that, based on a determined match identifying a matched calling party, a personalized voice message is retrieved, having a recorded voice of the called party corresponding to the matched, stored calling party number information, for playback as the messaging prompt to the matched calling party. In addition, claims 1, and 12, as amended, recite that the messaging system is in an application server and claim 18 as amended recites that an application server performs playing a messaging prompt.

The advantage of providing the claimed personalized voice message for playback to a matched calling party is that information specifically for the matched calling party can be provided by the called party in his message prompt. For example, if Joe has been identified as a preferred calling party to be matched with a message, the personalized voice message can be, "Hello, Joe, I just left. Meet me at the golf course." No such personalized voice message as a prompt for a matched calling party is taught by Albal et al.

The Examiner cites Albal et al. at paragraphs [0040] and [0046] to [0050] as teaching, “automatically identifying the user and providing a personal greetings (sic) to the user”. Paragraph [0040] of Albal et al. does not teach of retrieving a personalized voice message having a recorded voice of the called party for playback as the messaging prompt to a matched calling party. Paragraph [0040] of Albal et al. merely teaches that the subscriber can issue a voice command such as, “Call Bob at home” and the node will access Bob’s number and place the call. This is not a teaching of providing a personalized voice message as a prompt as claimed.

Paragraph [0046] of Albal et al. teaches that the node 212 provides a welcome announcement to the caller. There is no teaching that this announcement is a personalized voice message having a recorded voice of the called party. In fact, Albal et al. teaches away from using a personalized voice message having a recorded voice of the called party as a prompt, since Albal et al. teaches at paragraph [0047] the use of “various dialog voice personalities (i.e., a female voice, a male voice, etc.) and that the node 212 can implement various grammars (i.e., vocabulary) to detect and respond to the audio inputs from the user.” Thus, the node 212 provides a generic male or female voice to the user which is not a teaching of providing a personalized voice message having a recorded voice of the called party as a prompt to a matched calling party.

Furthermore, at paragraph [0048] Albal et al. teach that the greeting for the user is from “a personal agent”. The user is identified since the user is using a phone registered with the system. In fact, in paragraph [0048], Bob is the user using a phone registered with the system and the greeting to Bob is, “Hi, this is your personal agent, Maya. Welcome Bob. How may I help you?” The voice of “Maya” is not a recorded

voice of a called party as claimed, since a call has yet to be placed by Bob. Thus, it is clear that Albal et al. do not teach or suggest a personalized voice message having a recorded voice of the called party for playback as the messaging prompt to a matched calling party as claimed.

Still further, the Examiner cites Albal et al. at paragraphs [0031] to [0033] as teaching, "the subscriber can instruct the communication node to play a pre-recorded message or announcement ...". Thus, in Albal et al., the subscriber makes the decision to either answer the call, play a non-personalized pre-recorded message or disconnect. Claims 1, 12 and 29, as amended, recite that the messaging system is in an application server that performs the claimed features. Also, claim 18 recites a computer readable medium that performs the claimed steps.

Again, there is no teaching in Albal et al. that the "pre-recorded message" is personalized, or that the message is in the recorded voice of the called party for playback as the messaging prompt to a matched calling party as claimed. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984). Therefore, the rejection is improper and should be withdrawn.


Claims 4, 14, 20 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albal et al. in view of Ng. Claims 3, 6-8, 16, 17, 21, 23-25, 32 and 33

stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albal et al. in view of Ng and further in view of Bobo, II. These claims depend from independent claims and are considered to be allowable for the reasons advanced above and, for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

All objections and rejections having been address, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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